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11
12 UNITED STATES DISTRICT COURT
13 FOR THE CENTRAL DISTRICT OF CALIFORNIA
14

15 AMERICAN CIVIL LIBERTIES
16 UNION FOUNDATION OF
SOUTHERN CALIFORNIA,

17 Plaintiff,

18 v.

19 UNITED STATES IMMIGRATION
20 AND CUSTOMS ENFORCEMENT, et
al.

21 Defendants.
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No. 2:22-cv-04760-SHK

**DECLARATION OF FERNANDO
PINEIRO**

Honorable Shashi H. Kewalramani
United States Magistrate Judge

DECLARATION OF FERNANDO PINEIRO

I, Fernando Pineiro, pursuant to 28 U.S.C. § 1746, hereby declare as follows:

1. I am the FOIA Director of the U.S. Immigration and Customs Enforcement (“ICE”) Freedom of Information Act Office (the “ICE FOIA Office”). The ICE FOIA Office is responsible for processing and responding to all Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, and Privacy Act, 5 U.S.C. § 552a, requests received at ICE. I have held this position since August 14, 2022, and I am the ICE official immediately responsible for supervising ICE responses to requests for records under the Freedom of Information Act, 5 U.S.C. § 552 (the FOIA), the Privacy Act, 5 U.S.C. § 552a (the Privacy Act), and other applicable records access statutes and regulations. Prior to this position, I was the Deputy FOIA Officer of the ICE FOIA Office from December 29, 2013, to August 13, 2022, and prior to that I was the FOIA Officer for three years at the Office for Civil Rights and Civil Liberties (“CRCL”) at the U.S. Department of Homeland Security (“DHS”). The ICE FOIA office mailing address is 500 12th Street, S.W., STOP 5009, Washington, D.C. 20536-5009.

2. As the FOIA Director my official duties and responsibilities include the general management, oversight, and supervision of the ICE FOIA Office regarding the processing of FOIA, 5 U.S.C. § 552, and Privacy Act, 5 U.S.C. § 552a, requests received at ICE. In connection with my official duties and responsibilities, I am familiar with ICE’s procedures for responding to requests for information pursuant to the FOIA and the Privacy Act.

3. I make this declaration in my official capacity in support of Defendants’ Motion for Summary Judgment and Opposition to Plaintiff’s Motion for Summary Judgment in the above-captioned action. I make this based on my personal knowledge, my review of records kept by ICE in the ordinary course of business, and information provided to me by other ICE employees in the course of my official duties.

4. On June 30, 2023, ICE processed 509 pages of documents referred from OIG. ICE determined that 1 page was non-responsive, 119 pages were duplicative, and

1 40 pages were released in full. The remaining 349 pages were withheld in part pursuant
2 to FOIA Exemptions (b)(6), (b)(7)(c), and (b)(7)(e).

3 5. On January 29, 2024, ICE processed 583 pages of documents referred from
4 OIG. ICE determined that 16 pages were non-responsive and the remaining 567 pages
5 were withheld in part pursuant to FOIA Exemptions (b)(6), (b)(7)(c), and (b)(7)(e). ICE
6 ultimately released in part the 16 non-responsive pages, which were outside the date
7 range included in Plaintiff's FOIA request, on February 28, 2024. Those 16 pages were
8 withheld in part pursuant to FOIA Exemptions (b)(6), (b)(7)(c), and (b)(7)(e). In its
9 cover letter producing the documents, ICE noted "The records are largely illegible, and
10 ICE has consulted with OIG and determined that these are the best copies available." A
11 true and correct copy of ICE FOIA's February 28, 2024, cover letter is attached hereto as
12 Exhibit 1.

13 6. On March 28, 2024, ICE processed 328 pages of documents referred from
14 OIG. ICE determined that 40 pages were non-responsive and the remaining 288 pages
15 were withheld in part pursuant to FOIA Exemptions (b)(3), (b)(6), (b)(7)(c), and
16 (b)(7)(e).

17 7. As of the date of this declaration, ICE does not have any other referred
18 documents from OIG to process in this matter.

19 I declare under penalty of perjury under the laws of the United States of America
20 that the foregoing is true and correct to the best of my knowledge and belief.
21

22 Executed on _____, at Washington, D.C.
23

24 _____
25 Fernando Pineiro, FOIA Director
26 Freedom of Information Act Office
27 U.S. Department of Homeland Security
28 U.S. Immigration and Customs Enforcement
500 12th Street, S.W., Stop 5009
Washington, D.C. 20536-5009